

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed April 24, 2008. Upon entry of this response, claims 1 – 38 remain pending. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Allowable Subject Matter

The Office Action indicates that claims 11 – 13 and 30 – 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the elements of the base claim and any intervening claims. Applicants sincerely appreciate this indication of allowable subject matter.

II. Rejections Under 35 U.S.C. §102

A. Claim 1 is Allowable Over *Schmidt*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §102(a) as allegedly being anticipated by U.S. Patent Number 7,020,472 ("*Schmidt*"). Applicants respectfully traverse this rejection on the grounds that *Schmidt* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 1 recites:

A method, comprising:

transmitting, from a wireless local area network (LAN) device of a host device to an access point of a wireless network, a request to disassociate from said access point, ***said request to disassociate further comprising a request to monitor for wake events for said host device;*** and

switching off a transceiver of said wireless LAN device after transmission of said disassociate request.

(Emphasis added).

Applicants respectfully submit that claim 1 is allowable for at least the reason that *Schmidt* fails to disclose, teach, or suggest a "method, comprising... transmitting, from a wireless local area network (LAN) device of a host device to an access point of a wireless

network, a request to disassociate from said access point, ***said request to disassociate further comprising a request to monitor for wake events for said host device***” as recited in claim 1. More specifically, the Office Action argues “the device 100 [of *Schmidt*] sends a deregistration message of the WLAN system... and [in] a monitoring system it is inherent to wake up the WLAN when the signal strength of the WLAN is strong” (OA page 2, element 3). Applicants respectfully disagree. First, the Office Action is not even arguing that *Schmidt* discloses an element of claim 1 (expressly or inherently). The Office Action is arguing that it is inherent from *Schmidt* to monitor signal strength. However, claim 1 recites “transmitting, from a wireless local area network (LAN) device of a host device to an access point of a wireless network, a request to disassociate from said access point, ***said request to disassociate further comprising a request to monitor for wake events for said host device***,” which is different than merely monitoring a signal.

Second, even if for sake of argument, the Office Action is arguing that *Schmidt* inherently discloses the proper element of claim 1, Applicants respectfully disagree. More specifically, *Schmidt* discloses “[i]f a cellular connection is established and Bluetooth™ or WLAN signals are weak, the device 100 sends a deregistration message to the Bluetooth™ or WLAN system and/or a registration message to the cellular system. Upon registration from the cellular system, the short-range transceiver core 130 is turned off or put into a deep sleep mode and the cellular radio core 110 and relevant parts of the synthesizer are powered up to listen to the cellular channel” (column 7, line 11).

As illustrated in this passage, *Schmidt* appears to disclose that if the WLAN signals are weak, the device establishes a cellular connection. Consequently, there is no need for the device to send “***a request to monitor for wake events for said host device***” as recited in claim 1 because the system of *Schmidt* has already established another communications medium. It is well established that “[t]o establish inherency, the extrinsic evidence must make

clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In Re Anthony J. Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2D (BNA) 1949, 1950-51 (Fed. Cir. 1999). Stated another way, in order to properly maintain an inherency argument, the Office Action must show that the missing element must occur for proper operation of the reference, despite being missing from the cited reference. As is evident from the Office Action's reliance on an inherency argument to reject this portion of claim 1, *Schmidt* fails to expressly disclose "transmitting, from a wireless local area network (LAN) device of a host device to an access point of a wireless network, a request to disassociate from said access point, ***said request to disassociate further comprising a request to monitor for wake events for said host device***" as recited in claim 1. Further, this element is not inherent in *Schmidt* for at least the reason that sending "***a request to monitor for wake events for said host device***" is not necessary for proper operation of *Schmidt*. In fact, *Schmidt* could operate without this element altogether. For at least these reasons, claim 1 is allowable.

B. Claim 20 is Allowable Over Schmidt

The Office Action indicates that claim 20 stands rejected under 35 U.S.C. §102(a) as allegedly being anticipated by U.S. Patent Number 7,020,472 ("*Schmidt*"). Applicants respectfully traverse this rejection on the grounds that *Schmidt* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 20 recites:

A system, comprising:
application logic operable to:
transmit, from a wireless local area network (LAN)
device of a host device to an access point of a wireless network, a
request to disassociate from said access point, **said request to
disassociate further comprising a request to monitor for
wake events for said host device**; and
switch off a transceiver of said wireless LAN device
after transmission of said disassociate request.
(Emphasis added).

Applicants respectfully submit that claim 20 is allowable for at least the reason that *Schmidt* fails to disclose, teach, or suggest a "system, comprising... application logic operable to... transmit, from a wireless local area network (LAN) device of a host device to an access point of a wireless network, a request to disassociate from said access point, **said request to disassociate further comprising a request to monitor for wake events for said host device**" as recited in claim 20. More specifically, the Office Action argues "the device 100 [of *Schmidt*] sends a deregistration message of the WLAN system... and [in] a monitoring system it is inherent to wake up the WLAN when the signal strength of the WLAN is strong" (OA page 2, element 3). Applicants respectfully disagree. First, the Office Action is not even arguing that *Schmidt* discloses an element of claim 20 (expressly or inherently). The Office Action is arguing that it is inherent from *Schmidt* to monitor signal strength. However, claim 20 recites "application logic operable to... transmit, from a wireless local area network (LAN) device of a host device to an access point of a wireless network, a request to disassociate from said access point, **said request to disassociate further comprising a request to monitor for wake events for said host device**," which is different than merely monitoring a signal.

Second, even if for sake of argument, the Office Action is arguing that *Schmidt* inherently discloses the proper element of claim 20, Applicants respectfully disagree. More specifically, *Schmidt* discloses "[i]f a cellular connection is established and Bluetooth™ or WLAN signals are weak, the device 100 sends a deregistration message to the Bluetooth™ or WLAN system and/or a registration message to the cellular system. Upon registration from the

cellular system, the short-range transceiver core 130 is turned off or put into a deep sleep mode and the cellular radio core 110 and relevant parts of the synthesizer are powered up to listen to the cellular channel" (column 7, line 11).

As illustrated in this passage, *Schmidt* appears to disclose that if the WLAN signals are weak, the device establishes a cellular connection. Consequently, there is no need for the device to transmit "**a request to monitor for wake events for said host device**" as recited in claim 20 because the system of *Schmidt* has already established another communications medium. It is well established that "[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In Re Anthony J. Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2D (BNA) 1949, 1950-51 (Fed. Cir. 1999). Stated another way, in order to properly maintain an inherency argument, the Office Action must show that the missing element must occur for proper operation of the reference, despite being missing from the cited reference. As is evident from the Office Action's reliance on an inherency argument to reject this portion of claim 20, *Schmidt* fails to expressly disclose "application logic operable to... transmit, from a wireless local area network (LAN) device of a host device to an access point of a wireless network, a request to disassociate from said access point, **said request to disassociate further comprising a request to monitor for wake events for said host device**" as recited in claim 20. Further, this element is not inherent in *Schmidt* for at least the reason that transmitting "**a request to monitor for wake events for said host device**" is not necessary for proper operation of *Schmidt*. In fact, *Schmidt* could operate without this element altogether. For at least these reasons, claim 20 is allowable.

C. Claims 2 – 10 and 21 – 29 are Allowable Over Schmidt

The Office Action indicates that claims 2 – 10 and 21 – 29 stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by U.S. Patent Number 7,020,472 ("*Schmidt*"). Applicants respectfully traverse this rejection on the grounds that *Schmidt* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 2 – 10 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Further, dependent claims 21 – 29 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 20. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

III. Rejections Under 35 U.S.C. §103

A. Claim 14 is Allowable Over Schmidt in view of Oar

The Office Action indicates that claim 14 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 7,020,472 ("*Schmidt*") in view of U.S. Patent Publication Number 2003/0159074 ("*Oar*"). Applicants respectfully traverse this rejection on the grounds that *Schmidt* in view of *Oar* fails to disclose, teach, or suggest all of the elements of claim 14. More specifically, claim 14 recites:

A method, comprising:
receiving, from a wireless local area network (LAN) device of a host device, a request to disassociate from an access point, ***said request to disassociate further comprising a request to monitor for at least one wake event for said host device***; and
transmitting, in response to receiving a request for a wake event status, a wake event status indicating whether at least one wake event for said host device occurred.

(Emphasis added).

Applicants respectfully submit that claim 14 is allowable for at least the reason that *Schmidt* fails to disclose, teach, or suggest a "method, comprising... receiving, from a wireless local area network (LAN) device of a host device, a request to disassociate from an access point, **said request to disassociate further comprising a request to monitor for at least one wake event for said host device**" as recited in claim 14. More specifically, the Office Action argues "the device 100 [of *Schmidt*] sends a deregistration message of the WLAN system... and [in] a monitoring system it is inherent to wake up the WLAN when the signal strength of the WLAN is strong" (OA page 2, element 3, which is relied upon for this rejection). Applicants respectfully disagree. First, the Office Action is not even arguing that *Schmidt* discloses an element of claim 14 (expressly or inherently). The Office Action is arguing that it is inherent from *Schmidt* to monitor signal strength. However, claim 14 recites "receiving, from a wireless local area network (LAN) device of a host device, a request to disassociate from an access point, **said request to disassociate further comprising a request to monitor for at least one wake event for said host device,**" which is different than merely monitoring a signal.

Second, even if for sake of argument, the Office Action is arguing that *Schmidt* inherently discloses the proper element of claim 14, Applicants respectfully disagree. More specifically, *Schmidt* discloses "[i]f a cellular connection is established and Bluetooth™ or WLAN signals are weak, the device 100 sends a deregistration message to the Bluetooth™ or WLAN system and/or a registration message to the cellular system. Upon registration from the cellular system, the short-range transceiver core 130 is turned off or put into a deep sleep mode and the cellular radio core 110 and relevant parts of the synthesizer are powered up to listen to the cellular channel" (column 7, line 11).

As illustrated in this passage, *Schmidt* appears to disclose that if the WLAN signals are weak, the device establishes a cellular connection. Consequently, there is no need for the

device to receive "**a request to monitor for wake events for said host device**" as recited in claim 14 because the system of *Schmidt* has already established another communications medium. It is well established that "[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In Re Anthony J. Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2D (BNA) 1949, 1950-51 (Fed. Cir. 1999). Stated another way, in order to properly maintain an inherency argument, the Office Action must show that the missing element must occur for proper operation of the reference, despite being missing from the cited reference. As is evident from the Office Action's reliance on an inherency argument to reject this portion of claim 14, *Schmidt* fails to expressly disclose "receiving, from a wireless local area network (LAN) device of a host device, a request to disassociate from an access point, **said request to disassociate further comprising a request to monitor for at least one wake event for said host device**" as recited in claim 14. Further, this element is not inherent in *Schmidt* for at least the reason that receiving "**a request to monitor for wake events for said host device**" is not necessary for proper operation of *Schmidt*. In fact, *Schmidt* could operate without this element altogether.

Additionally, *Oar* fails to overcome the deficiencies of *Schmidt*. For at least these reasons, claim 14 is allowable.

B. Claim 33 is Allowable Over Schmidt in view of Oar

The Office Action indicates that claim 33 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 7,020,472 ("*Schmidt*") in view of U.S. Patent Publication Number 2003/0159074 ("*Oar*"). Applicants respectfully traverse this rejection on the grounds that *Schmidt* in view of *Oar* fails to disclose, teach, or suggest all of the elements of claim 33. More specifically, claim 33 recites:

A system, comprising:

application logic operable to:

receive, from a wireless local area network (LAN) device of a host device, a request to disassociate from an access point, ***said request to disassociate further comprising a request to monitor for at least one wake event for said host device***; and

transmit, in response to receipt of a request for a wake event status, a wake event status indicating whether at least one wake event for said host device occurred.

(Emphasis added).

Applicants respectfully submit that claim 33 is allowable for at least the reason that *Schmidt* fails to disclose, teach, or suggest a "system, comprising... application logic operable to... receive, from a wireless local area network (LAN) device of a host device, a request to disassociate from an access point, ***said request to disassociate further comprising a request to monitor for at least one wake event for said host device***" as recited in claim 33. More specifically, the Office Action argues "the device 100 [of *Schmidt*] sends a deregistration message of the WLAN system... and [in] a monitoring system it is inherent to wake up the WLAN when the signal strength of the WLAN is strong" (OA page 2, element 3, which is relied upon for this rejection). Applicants respectfully disagree. First, the Office Action is not even arguing that *Schmidt* discloses an element of claim 33 (expressly or inherently). The Office Action is arguing that it is inherent from *Schmidt* to monitor signal strength. However, claim 33 recites "application logic operable to... receive, from a wireless local area network (LAN) device of a host device, a request to disassociate from an access point, ***said request to disassociate***

further comprising a request to monitor for at least one wake event for said host device," which is different than merely monitoring a signal.

Second, even if for sake of argument, the Office Action is arguing that *Schmidt* inherently discloses the proper element of claim 33, Applicants respectfully disagree. More specifically, *Schmidt* discloses "[i]f a cellular connection is established and Bluetooth™ or WLAN signals are weak, the device 100 sends a deregistration message to the Bluetooth™ or WLAN system and/or a registration message to the cellular system. Upon registration from the cellular system, the short-range transceiver core 130 is turned off or put into a deep sleep mode and the cellular radio core 110 and relevant parts of the synthesizer are powered up to listen to the cellular channel" (column 7, line 11).

As illustrated in this passage, *Schmidt* appears to disclose that if the WLAN signals are weak, the device establishes a cellular connection. Consequently, there is no need for the device to receive **"a request to monitor for wake events for said host device"** as recited in claim 33 because the system of *Schmidt* has already established another communications medium. It is well established that "[t]o establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *In Re Anthony J. Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2D (BNA) 1949, 1950-51 (Fed. Cir. 1999). Stated another way, in order to properly maintain an inherency argument, the Office Action must show that the missing element must occur for proper operation of the reference, despite being missing from the cited reference. As is evident from the Office Action's reliance on an inherency argument to reject this portion of claim 33, *Schmidt* fails to expressly disclose "application logic operable to... receive, from a wireless local area network (LAN) device of a host device, a request to

disassociate from an access point, ***said request to disassociate further comprising a request to monitor for at least one wake event for said host device*** as recited in claim 33. Further, this element is not inherent in *Schmidt* for at least the reason that receiving ***a request to monitor for wake events for said host device*** is not necessary for proper operation of *Schmidt*. In fact, *Schmidt* could operate without this element altogether.

Additionally, *Oar* fails to overcome the deficiencies of *Schmidt*. For at least these reasons, claim 33 is allowable.

C. Claims 15 – 19 and 34 – 38 are Allowable Over *Schmidt* in view of *Oar*

The Office Action indicates that claims 15 – 19 and 34 – 38 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Number 7,020,472 ("*Schmidt*") in view of U.S. Patent Publication Number 2003/0159074 ("*Oar*"). Applicants respectfully traverse this rejection on the grounds that *Schmidt* in view of *Oar* fails to disclose, teach, or suggest all of the elements of claims 15 – 19 and 34 – 38. More specifically, dependent claims 15 – 19 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 14. Further, dependent claims 34 – 38 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 33. Because *Oar* fails to overcome the deficiencies of *Schmidt*, claims 15 – 19, and 34 – 38 are allowable as a matter of law. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

Anthony F. Bonner Jr. Reg. No. 55,012

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1500
600 Galleria Parkway SE
Atlanta, Georgia 30339
(770) 933-9500